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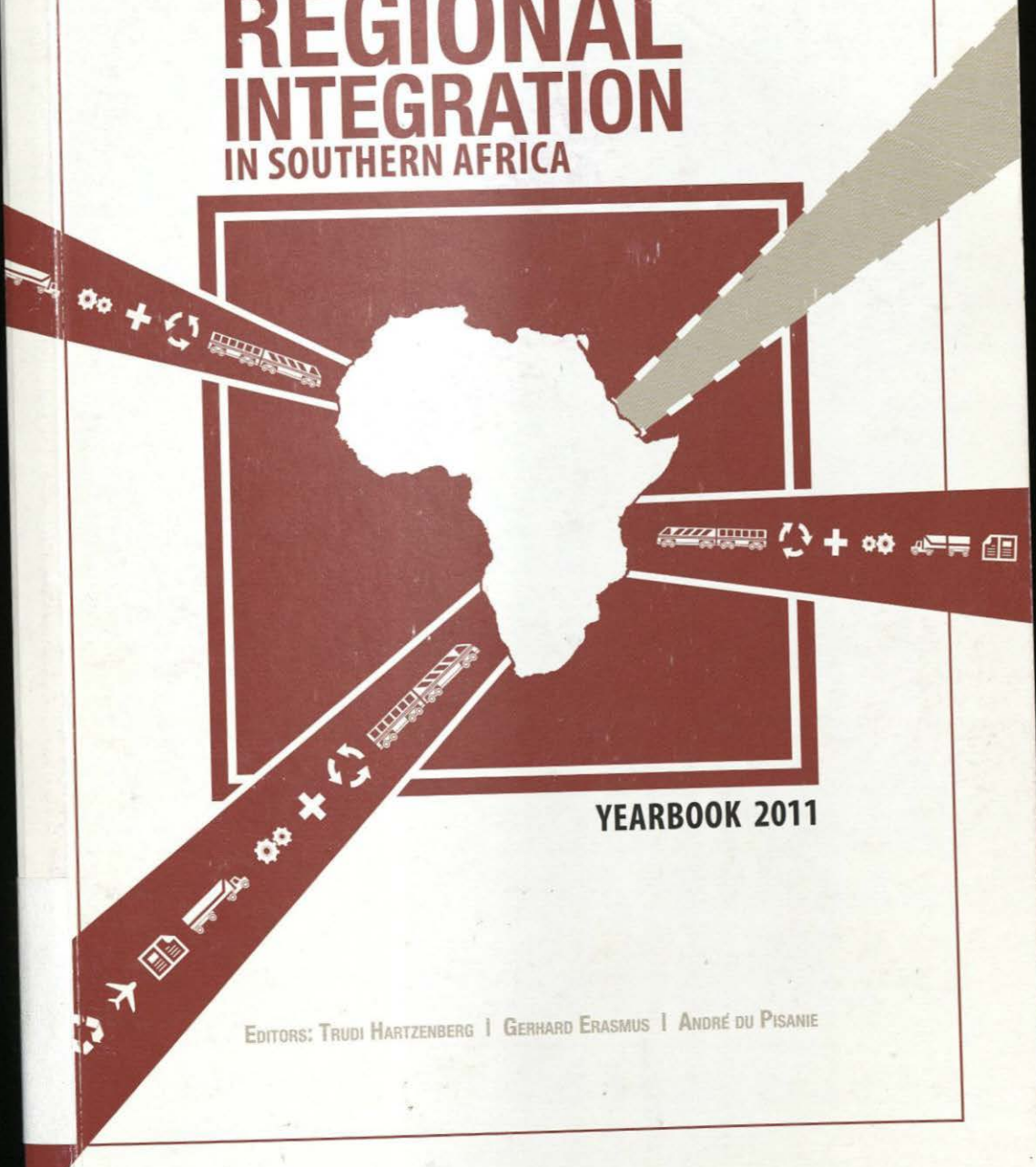

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Volume 11 (2011)

Editors:
Trudi Hartzenberg | Gerhard Erasmus | André du Pisani

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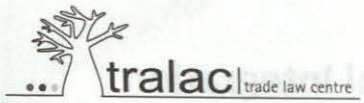

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Introduction

Monitoring the process of regional integration in southern Africa in 2011

Trudi Hartzenberg, Gerhard Erasmus, André du Pisani

A number of important trade-related developments took place in southern Africa in 2011. Developments on the rest of the African continent as well as in the global economy had important implications for the southern African region.

Protest action started in Tunisia in December 2010 and quickly spread to a number of African and Middle East countries. This so-called Arab Spring brought focus to simmering discontent regarding fundamental governance issues, not only in this region, but also globally. Economic and social inequality, as well as a range of governance challenges, including lack of transparency and accountability, both in the public and private sectors motivated mass action calling for improved governance as well as measures to support economic growth and development, and specifically also redistribution of economic gains. Governance issues resonate also in the southern African region.

The imperative for rules-based governance, for predictability, transparency and accountability, is as much a national concern as it is a regional development and governance issue. The suspension of the Southern African Development Community (SADC) Tribunal in September 2010 took place in a legally doubtful manner. Since that time all parties enjoying standing in this forum have been denied those important legal remedies which are vital for certainty and predictability in a rules-based system. The detrimental effects go way beyond trade issues. The right of judicial review of disciplinary proceedings is affected, as is the justiciability of all the SADC Protocols. This is a retrogressive step with major consequences for how we are governed in southern Africa. The fact that there has been little public outcry is in itself rather disturbing. And we seem to have forgotten what had caused this crisis in the first place – Zimbabwe's dismal human rights record and the design flaws in the SADC legal instruments – which allow the perpetrator to veto judicial decisions – since the SADC summit has the final say and all decisions are taken on the basis of 'consensus'.

A third Southern African Customs Union (SACU) Summit of Heads of State and Government took place in March 2011 in Pretoria, South Africa. Discussion focused on the customs union's challenges, including the revenue dependence of some of the smaller member states. In Swaziland matters are more complicated because of that state's dependence on contributions from the SACU revenue pool to fund public expenditure. A decline in payments from the pool caused a crisis for the government and fuelled widespread unrest. These are to some extent *sui generis* SACU issues but they clearly

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